

**AGING, DEPARTMENT ON[17]**

**Adopted and Filed**

**Rule making related to waivers**

The Department on Aging hereby amends Chapter 1, “Introduction, Abbreviations and Definitions,” and Chapter 11, “Waivers or Variances from Administrative Rules,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 17A.3 and 231.14.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 17A.9A as amended by 2020 Iowa Acts, House File 2389, section 10.

*Purpose and Summary*

2020 Iowa Acts, House File 2389, made several changes to agency rule-making requirements. Section 10 of the legislation modified the requirements for waiver or variance of rules by agencies by striking references to variances. This adopted rule making brings the Department into compliance with the changes to Iowa Code section 17A.9A.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on July 28, 2021, as **ARC 5791C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commission on Aging on September 9, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 17—Chapter 11.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on November 10, 2021.

The following rule-making actions are adopted:

ITEM 1. Amend rule 17—1.1(231) as follows:

**17—1.1(231) Authority and purpose.** The rules of the Iowa department on aging are based on the authority of Iowa Code chapters 231, 231E, 235B and 249H. These rules prescribe requirements:

1. to 3. No change.
4. To request waivers ~~or variances~~ from administrative rules;
5. and 6. No change.

ITEM 2. Amend **17—Chapter 11**, title, as follows:

**WAIVERS ~~OR VARIANCES~~ FROM ADMINISTRATIVE RULES**

ITEM 3. Amend rule **17—11.1(17A,231,ExecOrd11)**, definition of “Waiver or variance,” as follows:

“~~Waiver or variance~~” means action by the department which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person or program on the basis of the particular circumstances of that person or program. ~~For simplicity, the term “waiver” shall include both a “waiver” and a “variance.”~~

ITEM 4. Amend rule **17—11.4(17A,231,ExecOrd11)**, catchwords, as follows:

**17—11.4(17A,231,ExecOrd11) Criteria for waiver ~~or variance~~.**

[Filed 9/15/21, effective 11/10/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 10/6/21.